

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ABEL REYES,

1:10-CV-00533 AWI GSA HC

Petitioner,

vs.

ORDER OF TRANSFER

HEADPASS, Warden,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, Petitioner is challenging the loss of times credits due to a guilty finding in a prison disciplinary proceeding. Where “the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable

1 forum." Meador v. Cal. Dept. of Corr., 2003 WL 21910917 *1 (N.D.Cal.), *citing* Dunne v. Henman, 875
2 F.2d 244, 249 (9th Cir.1989); Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 497 (1973); In re
3 Phelon, 2002 WL 31618536, *1 (N.D. Cal.); Thomas v. Hepburn, 2001 WL 505916, *1 (N.D.Cal.);
4 McKnight v. Forman, 1997 WL 50267, *1 (N.D. Cal.). Petitioner is incarcerated at Salinas Valley State
5 Prison in Soledad, California, which is within the jurisdictional boundaries of the Northern District of
6 California. See 28 U.S.C. § 84(b). Therefore, in the interest of justice the petition will be transferred to
7 the United States District Court for the Northern District of California. 28 U.S.C. §§ 1404(a) and
8 2241(d).

9 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
10 District Court for the Northern District of California.

11
12 IT IS SO ORDERED.

13 **Dated: April 21, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE